

IN THE HIGH COURT OF BOMBAY AT GOA**COMPANY APPLICATION NO. 3 OF 2012****AND****COMPANY APPLICATION NO. 6 OF 1991**

M/s. Holiday Hotels (Goa)
Private Limited (Voluntary Liquidation). Applicant.

Ms. Amira Razaq, Advocate for the Official Liquidator.

Mr. A.V. Kamat, Voluntary Liquidator.

Mr. P. Shridhar, Official Liquidator.

CORAM :- NARESH H. PATIL, J.

Date :- 11th October, 2013.

ORAL ORDER :-

Heard. Shri Anant Vasudev Kamat, Voluntary Liquidator is present in the Court. He presented an application of Mrs. Maria E.T. Marquis, addressed to the Voluntary Liquidator on 30th August, 2013, along with a copy of her Aadhaar Card and Death Certificate of Joseph Anthony Urban Marquis. The application, along with the annexures, are taken on record and marked "X".

2. Mr. Kamat, Voluntary Liquidator submits that the legal heir of the deceased Joseph Anthony Urban Marquis has submitted the said application. She informed the Voluntary Liquidator that it is an old case in respect of which she is not in a position to submit any document to support the claim of her husband regarding payment of Rs.4740/-. The Voluntary Liquidator, therefore, prays that the proceedings could be closed being an old matter and in view of there being no documents placed on record. The Voluntary Liquidator further submitted that an amount of Rs.1500/- had remained with him, which was deposited in the Government Treasury prior to 20 to 25 years back.

3. Ms. Razaq, learned Counsel appearing for the Official Liquidator, as regards the contentions raised by the applicant in paras 10 and 11 of the application, on instructions from the Official Liquidator who is present in the Court, submits that except this claim, nothing remains now to be settled and in case the submissions of the Voluntary Liquidator are accepted, these company applications could be closed by declaring that the Company stands dissolved under Section 497 of the Companies Act, 1956.

4. I have perused the record placed before me, and considered the submissions advanced. I have also perused the application filed by Mrs. Maria E.T. Marquis addressed to Mr. Anant V. Kamat, Voluntary Liquidator along with the annexures thereto.

5. The Directors of the company had filed a declaration of solvency dated 8th April, 1988 as required under Section 488 of the Companies Act, 1956 in the Office of Registrar of Companies, Goa, Daman & Diu, at Panaji. The Shareholders of the Company vide resolution dated 28th April, 1988 had resolved that the company should be voluntary wound up and Mr. Anant Vasudev Kamat, Chartered Accountant, Panaji was appointed as the Voluntary Liquidator of the Company. M/s. Holiday Hotels (Goa) Private Limited was incorporated as a Private Limited Company, limited by shares on 15th March, 1974 with an authorized capital of Rs.10,00,000/-. The Company had 19 shareholders and four Directors. The last audited balance sheet of the company is available with the Office of Registrar of Companies, as of 25th March, 1988. The applicant has described the assets and liabilities of the Company as were available at the relevant time. The Voluntary Liquidator has filed with the Registrar of Companies, final return of winding up in Form No.157 pursuant to

Section 497(3) of the Companies Act, 1956. Receipt and payment account is mentioned in para 7 of the application.

6. The applicant has contended in para 9 of the application as under :

“9. That having regard to the fact that nothing objectionable has been found in conducting the proceedings of voluntary winding up of the company by Shri. Anant Vasudev Kamat, Voluntary Liquidator, as such the official liquidator submits for kind consideration of this Hon'ble High Court that the affairs of the company do not appear to have been conducted in a manner prejudicial to the interest of its members or to public interest.”

7. Considering the record placed and the submissions advanced, I am of the opinion that the proceedings are required to be closed by declaring that the company stands dissolved under the provisions of Section 497 of the Companies Act. Further, considering the purport of the provisions of Section 497(6) of the Act and the merits of the matter, I am of the opinion that the company needs to be dissolved.

8. I, hereby, order that the company M/s. Holiday Hotels (Goa) Private Limited, in liquidation, shall be deemed to be dissolved and is hereby dissolved under Section 497 of the Companies Act. Both the applications stand disposed of.

NARESH H. PATIL, J.

ssm.